



STATE OF MAINE  
DEPARTMENT OF EDUCATION  
23 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0023

JOHN ELIAS BALDACCI  
GOVERNOR

SUSAN A. GENDRON  
COMMISSIONER

September 18, 2008

Maureen King, RPC Co-Chair  
87 Fletcher Street  
Kennebunk, ME 04043

Dear Ms. King:

Thank you for the revised Reorganization Plan that you submitted on behalf of MSAD 71 and the Arundel School Department on September 15, 2008 for Department review for compliance with the school reorganization law, P.L. 2007, chapter 240, Part XXXX.

I recognize how much time, effort and thoughtful work is required to complete a reorganization plan and appreciate the efforts made, to date, by all those involved.

Members of my staff and I have reviewed the submission and offer the comments and notes listed below to assist you in completing the plan. If you make any substantive change(s) to any part of the plan beyond those listed below, please be sure to note those on the Updated Reorganization Plan Cover Sheet Checklist, along with notation of those items that have changed per the notes contained in this response.

#### **General Comment**

- I am concerned with respect to your meeting your timeline for the November 4, 2008 referendum given the number of revisions necessary to bring your reorganization plan into compliance with the law. Many of the plan elements here are in the form of reorganization planning committee (RPC) recommendations, but the plan must be more of a commitment than that. RPC recommendations need to be considered and then the school administrative unit (SAU) members of the proposed regional school unit (RSU) need to reflect these decisions in the final plan they vote on as boards and then submit to the Department for approval. We have reviewed this revision that we received September 15 immediately, and we are emailing this response to you, along with our offer to help you in any way we can.

## General Documentation (Submittal Sheet)

- Please submit a completed Reorganization Plan Submittal Sheet including signatures from authorized representatives of member SAU boards with the final submission of your plan.
- Please remove all references to “RSU 57” from your plan and accompanying cover materials. The Department cannot assign a regional school unit number until after the reorganization plan is approved by the Commissioner and the voters at referendum.
- Please delete language that has been marked by strikethroughs and accept the language that has been added as marked by underscoring when you submit your final plan.

## Checklist/Plan Text Items

### Items Checked “Complete”

With respect to the items you checked as “complete”, please note the following:

#### *\* Required Elements*

2. Please note “See Item 3” here.
3. My staff has reviewed the apportionment of the proposed RSU board that was included in the revised reorganization plan and has determined that the apportionment is in compliance with MRSA 20-A section 1472. However, in the section labeled “Option B Weighted Voting”, the second paragraph says “by more than 2%”; this should be changed to 5% to reflect the change in the law.
4. Please clarify that all members of local committees, district or advisory, must be elected per 20-A MRSA section 1478(1).
5. Please provide clarification as to what property is necessary to the functions of the regional school unit, to comply with 20-A MRSA section 1462 regarding the transfer of assets to the RSU.
6. It is important that each regional school unit’s plan address the disposition of debt in accordance with 20-A MRSA section 1461(3)(A)(6) and in sufficient detail to provide clear direction for the new regional school unit with respect to the options outlined in 20-A MRSA Section 1506 on debt liability. Please provide further description of the disposition of debt that addresses these details; and please consider using the language offered in the Drummond Woodsum workshop materials.

7. Please provide clarification that your SAUs will comply with the legal requirement to honor any and all contracts in effect on the day before the operational day of the new RSU.
8. The plan includes a list of tasks yet to be completed, but the plan cannot be approved without further clarification regarding the plan for the SAUs' disposition of these funds and obligations.
9. In the section labeled "Obtain Required DOE Input" you have referenced "ED281"; are you referring to the Department's ED 279? If so, please make this correction.
12. Please consider adding the items listed in section 13-A to this section for a more complete and finalized answer for your voters at referendum.
- 13-B. My staff is still in the process of reviewing this section to be certain it complies with the statutory provisions governing school closings.
- 13-C. Please complete this section in accordance with P.L. 2007, chapter 240, Part XXXX, section 40 regarding initial staggered terms for the regional school unit board of directors. Examples are included for ease of reference.
- 13-D. Arundel currently has school choice; please clarify if that choice will be preserved in accordance with 20-A MRSA section 1479.
- 13-E. This section has not been completed; please complete or clarify.

We will review all items on the checklist again, upon your completion of the plan.

#### **SUBMISSION OF REVISIONS:**

Please provide the additional materials to complete your plan as soon as possible in order to ensure that you meet the November 4, 2008 referendum date requirements. Please include:

- Any additional data required
- An updated Submittal Page with Signatures
- An updated Cover Sheet Checklist
- A copy of this Response from the Commissioner.

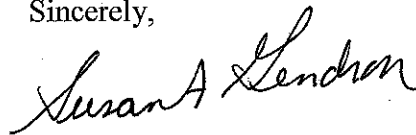
I will respond no more than 14 days after the revisions/additional materials are refiled with the Department. As you are the contact person identified on the Submittal Sheet, this response is addressed to you but with the understanding that you will share it

with your school administrative unit board members, RPC members and others involved with this Reorganization Plan.

Finally, what I am reviewing for approval is a plan (or a submission, if the plan is incomplete) which is by its very nature prospective, with steps yet to be taken or finalized; and any review comments or approval given are in relation to the elements required under P.L. 2007, chapter 240, Part XXXX but not the legality of all the activities proposed. Thus, I strongly recommend that you have your own legal advisor(s) review the details of any particular transaction proposed in your plan (particularly with respect to the disposition of property, to debt, and to employee contracts/relations) as you proceed, to ensure the legality of the steps you'll be taking to implement the plan. If that review leads to any substantive changes in any parts of your plan, please be sure to submit an amended plan to the Department for our review and our file.

Again, my sincere thanks for your efforts.

Sincerely,

A handwritten signature in black ink, reading "Susan A. Gendron". The signature is fluid and cursive, with the first name "Susan" and last name "Gendron" clearly legible.

Susan A. Gendron  
Commissioner of Education

Enc.

cc: Patrick Manuel, Superintendent, MSAD 71  
Alton Hadley III, Superintendent, Arundel School Department  
Dana Peck, RPC Co-Chair

### **Examples of Initial Staggered Terms:**

Public Law 2007, Chapter 240, Part XXXX-40 calls for staggered terms for the initial board of directors. Three examples are shown below.

#### **Example #1:**

Initial terms of members from each town will be determined after the elections by having the person with the most votes take the longest available term. Towns having three members will have a 1-year, 2-year, and 3-year terms. In the remaining towns having two members per town, two towns will have a 2-year and 3-year, one will have a 2-year and 3-year, and one will have a 1-year and 2-year as follows: Towns A and B (1-year and 3-year), Town C (2-year and 3-year), Town D (1-year and 2-year).

#### **Example #2 (incorporated in RSU Board apportionment table):**

<b>Municipality</b>	<b>Est. Federal Census per Municipality</b>	<b>Number of Board Members</b>	<b>Votes per Member</b>	<b>Initial Term in Years</b>
<b>Town A</b>	<b>2500</b>	<b>1</b>	<b>1250</b>	<b>2</b>
		<b>1</b>	<b>1250</b>	<b>1</b>
<b>Town B</b>	<b>3000</b>	<b>1</b>	<b>1000</b>	<b>3</b>
		<b>1</b>	<b>1000</b>	<b>2</b>
		<b>1</b>	<b>1000</b>	<b>1</b>
<b>Town C</b>	<b>2000</b>	<b>1</b>	<b>1000</b>	<b>2</b>
		<b>1</b>	<b>1000</b>	<b>1</b>
<b>Town D</b>	<b>1250</b>	<b>1</b>	<b>1250</b>	<b>3</b>
<b>Totals</b>	<b>8750</b>	<b>7</b>	<b>8750</b>	

#### **Example #3:**

The RSU Board shall be comprised of 12 members:

- 3 Town A residents,
- 2 Town B residents,
- 3 Town C residents,
- 2 Town D residents and
- 2 Town E residents.

### Example #3 continued:

Each board member shall serve a 3-year term, except that the initial terms of the members of the first RSU Board shall be staggered as provided by PL 2007 Chapter 240 Part XXXX-40 below:

#### INITIAL STAGGED BOARD OF DIRECTOR TERMS

Town	No. of Directors	June 2009	June 2010	June 2011	June 2012	June 2013	June 2014	June 2015	June 2016
Town A	3	1	3			3			3
		2		3			3		
		3			3			3	
Town B	2	3			3			3	
		1	3			3			3
Town C	3	1	3			3			3
		2		3			3		
		3			3			3	
Town D	2	1	3			3			3
		2		3			3		
Town E	2	2		3			3		
		3			3			3	

*Note #1: The initial terms will last 1-1/2 years, 2-1/2 years, and 3-1/2 years since the members of the RSU Board of Directors will begin their work in January 2009 after a November 2008 election. The six month period between January 2009 and July 2009 will be a transition period where existing School Committees/Boards of Directors will be completing their duties and the RSU Board will be beginning their responsibilities.*

*Note #2: The only time there will be candidates running for 1-1/2, 2-1/2, and 3-1/2 year terms will be during the initial twelve member election. Thereafter, all terms will be for a three-year duration. No one election year will see more than four of the twelve seats open nor will any municipality have more than one contested seat.*